

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS A. CENSKE,

Plaintiff,

Case No. 5:03-cv-171

v

Hon. Wendell A. Miles

CALHOUN COUNTY JAIL,  
DAVE TENZIEGOSKI - CLASSIFICATION OFFICER,  
LT. ISSON - UNIT SUPERVISOR, and  
MR. WILD - AD. SEG. DUTY STAFF,

Defendants.

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ORDER UNSEALING RECORD

This *pro se* civil rights action filed under 42 U.S.C. § 1983 by Michigan prisoner Thomas A. Censke is currently before the court on plaintiff's response (docket no. 82) to the court's February 27, 2006 Order to show cause why a document placed under seal – Exhibit D to docket no. 35 – cannot be unsealed for eventual storage at the archives. The sealed document is a copy of a July 30, 2003 crisis intervention evaluation in which plaintiff participated. In his response to the court's show cause order, plaintiff contends that the record should be sealed indefinitely in order to preserve his privacy.

As the Magistrate Judge noted in her Order (docket no. 54) sealing the document, one of the allegations which plaintiff made in this action was that he was denied mental health services. He therefore placed his mental health, and any mental health evaluation or treatment he received, at issue in this action. Although the Magistrate Judge ordered the evaluation to be sealed, this was in

the absence of an objection by the defendants. However, at present the issue is whether the document should continue to remain sealed indefinitely. Given his allegations in this action (the dismissal of which has been affirmed on appeal), plaintiff has not provided any cognizable legal justification why the evaluation should remain under seal. Under the circumstances, the court hereby orders that Exhibit D to docket no. 35 shall be unsealed.

So ordered this 7th day of July, 2006.

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior U.S. District Judge